

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

	)	
BROADCAST MUSIC, INC., et al.	)	
	)	
Plaintiffs	)	
	)	Civil Action No.
v.	)	
	)	05-11845 RCL
MARINA VIEW CORPORATION d/b/a	)	
SKYLINE BAR & GRILL, et al.	)	
	)	
Defendants	)	
	)	

**ASSENTED TO MOTION TO REMOVE DEFAULT JUDGMENT AND  
FOR LEAVE TO FILE ANSWER TO COMPLAINT LATE**

Defendants, Marina View Corporation, Grimoaldo A. Ruscito, Anthonio C. Ruscito, and Anthony Ruscito move this court to remove the default judgment entered on December 5, 2005, and for leave to file the answer to the Complaint that was transmitted to the court electronically on December 5, 2005, late. As grounds for this motion, the defendants state as follows:

1. Defendants, through counsel, have been discussing this action with Plaintiffs' counsel for several weeks. Plaintiffs' counsel gave defendants until December 5, 2006, to file their answer.
2. On the evening of December 5, 2005, Defendants' counsel filed an answer to the complaint electronically. The deputy clerk of this court defaulted the defendants earlier the same day.

3. Defendants have a good and meritorious defense to the complaint.
4. Plaintiff has assented to this motion.

WHEREFORE, Defendants, Marina View Corporation, Grimoaldo A. Ruscito, Anthonio C. Ruscito, and Anthony Ruscito move this court to remove the default judgment and for leave to file an answer to the Complaint late, and that the answer filed on December 5, 2005 be accepted as their answer.

By their attorneys,

s/ Andrew D. Epstein

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December 15, 2005

I Assent to this Motion:

/s/ Amy C. Mainelli

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